

REMARKS

This is in full and timely response to the above-identified Office Action. Reexamination and reconsideration in light of the proposed amendments and the following remarks are respectfully requested.

Rejections Under 35 USC § 112

The rejection of claims 1-6 and 12-22 renders moot the objections/rejections raised in connection therewith.

In connection with claim 10, it is submitted that the limitation that "the specific gas is carbon dioxide" is not a method limitation. The fact that the specific gas is not a positively claimed structural element in the claims is not germane to the limitation being a method related limitation. It is further submitted that indirect recitation of structure does not relegate this limitation to intended use.

For example, "a table top supported by three legs" does not relegate the three legs to "intended use". Therefore, the indirect recitation of the gas absorbing/releasing material does not render this element recited as being interpreted as merely being "intended use".

In connection with claim 11, the limitations which are set forth in connection with the first and second temperatures modify the characteristics (structure) of the gas absorbing/releasing material

Rejections Under 35 USC § 102

The rejection of claims 1-6 and 12-22 under 35 USC § 102(b) as being anticipated by Panzica is rendered moot the cancellation of these claims. Claims 7 and 10 have been made dependent on new claim 23 and thus are patentable for the same reason that claim 23 is patentable.

Rejections Under 35 USC § 103

The rejection of claims 10 and 11 under 35 USC § 103(a) as being unpatentable over Panzica in view of Nakagawa et al. is firstly rendered moot by making these claims depend on new claim 23, and further in that there is no motivation advanced as to why the person of ordinary skill in the art would consider the transfer of teachings. All that is advanced in this rejection is the assertion of "obvious design choice". It is submitted that "obvious design choice" is merely a conclusion, not a reason why it would have been obvious to one of ordinary skill in the art to arrive at the claimed invention.

New Claim

New claim 23 is presented for examination. This claim incorporates the subject matter of claims 1-5 and contains further clarifications. This claim clarifies over the Panzica reference in that it calls for a central path divided into two sections, through which different temperature gases pass in the same direction, sealing portions which are disposed between the static portion and the rotating body and between the rotating body and the casing at portions as represented by figures, and blocking portions for blocking the communication between the first and second rotational positions.

In addition, in this new claim first and second flow paths have been recited. The first is that for the gas containing the carbon dioxide. The second is for the first and second temperature control gases which are used to heat and cool the absorbing/releasing material so as enable the carbon dioxide or whatever gas is being extracted from the mixed gas, to be selective by absorbed and expelled. The second flow path is recited as including first and second supply paths which are isolated from communication with the interior portions of the blocks in which the absorbing/releasing material is disposed. This distinguishes over Panzica in terms of both novelty and obviousness, in that the temperature adjusting gases, which

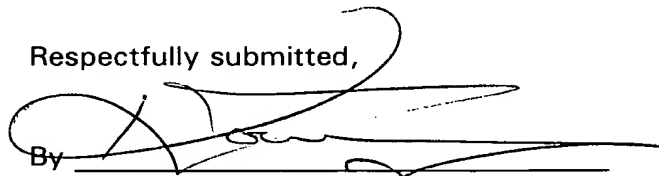
pass through the duct means 46 and the output manifold 50 are directed through the interior of the absorption elements 14 (see Fig. 3 wherein the gas is forced from bottom to top through the absorption elements 14).

Conclusion

The newly presented claims is patentable over the art for at least the reasons advanced above. Favorable consideration of the newly presented claim 23 and allowance of this application is courteously solicited.

Respectfully submitted,

By



Date June 13, 2003

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